

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

§

§

§ **CASE NO. 9:05-CR-00028-RC**

v.

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§

§

KIRK TILDON FOSTER

§

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§

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated the allegation in the petition that he failed to follow a special condition of release;
2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of 5 months' imprisonment, with no supervised release to follow, to be served at a Federal Medical Facility, if the Bureau of Prisons can accommodate such request.

Neither party has filed objections to Judge Hawthorn's Report and Recommendation. Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Kirk Tildon Foster's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So Ordered and Signed

Jan 25, 2017



Ron Clark, United States District Judge